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FACT SHEET

July 2005

Access and Fairness Advisory Committee

The Judicial Council's Access and Fairness Advisory Committee was appointed in March 1994 to monitor issues related to access to the judicial system and fairness in the state courts. The committee's charge is to ensure that Judicial Council projects advance the access and fairness goals set forth in the council's strategic plan and that new areas of focus are developed as appropriate.

History

The Judicial Council's work to improve fairness in the California court system began in the 1980s. In 1986 then-Chief Justice Malcolm M. Lucas appointed a special committee to review issues of gender bias in the courts, and in 1987 that committee became the Judicial Council's Advisory Committee on Gender Bias in the Courts. In March 1991 Chief Justice Lucas appointed the Advisory Committee on Racial and Ethnic Bias in the Courts to address issues of racial and ethnic fairness in the judicial system.

A successor to both committees, the Access and Fairness Advisory Committee was appointed in 1994 to review and make recommendations about fairness issues in the courts related to race, ethnicity, gender, persons with disabilities, and sexual orientation. Chief Justice Lucas charged the committee with implementing the recommendations contained in the final reports of the former Advisory Committee on Racial and Ethnic Bias in the Courts and Advisory Committee on Gender Bias in the Courts.

Recent Accomplishments

The Access and Fairness Advisory Committee has:

- Promulgated a model rule on access to the courts for persons with disabilities;
- Drafted standards of judicial administration on access and fairness;
- Conducted focus groups to examine the issue of bias and sexual orientation and submitted a report with recommendations, which the council accepted in January 2001;

- Released the following reports and publications:
 - Achieving Equal Justice for Women and Men in the California Courts* (1996)
 - Gender and Justice: Implementing Gender Fairness in the Courts* (1996)
 - Guidelines for Judicial Officers: Avoiding the Appearance of Bias* (1996)
 - Access to the California State Courts: A Survey of Court Users, Attorneys, and Court Personnel* (1997)
 - Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* (January 1997)
 - Public Hearings Report: Access for Persons With Disabilities* (1997)
 - Q&A newsletters for judicial officers (1997) and the public (1998) on the model rule relating to access for persons with disabilities
 - Sexual Orientation Fairness in the California Courts: Final Report of the Sexual Orientation Fairness Subcommittee of the Judicial Council's Access and Fairness Advisory Committee* (January 2001)
 - Guidelines for Lawyers: Eliminating Gender Bias in the Legal Profession* (2000)
 - Disability Fairness: Guidelines for Judicial Officers* (2001)—a pamphlet for judicial officers on avoiding the appearance of bias against persons with disabilities
 - Disability Etiquette: Interacting With Persons With Disabilities* (2002)
 - Child Care Resource Guide and Roster* (2002)—two versions: one for court employees and one for court administrators
 - May I Help You? Legal Advice vs. Legal Information: A Resource Guide for Court Clerks* (2003)—intended for use by court staff who provide telephone and counter assistance
 - Native American Resource Guide for Bench Officers* (2003)
- Developed a pilot curriculum on sexual orientation fairness and preventing sexual harassment;
- Developed a pilot curriculum on women of color and the justice system;
- Convened educational roundtables to explore issues related to Native Americans, women of color, child care, and court security;
- Conducted statewide conferences for Americans With Disabilities Act (ADA) coordinators to provide training on the basic requirements of the act and other federal and state statutes;
- Hosted the statewide conference *The New Millennium: Women of Color as Court Leaders and Managers* in spring 2000;
- Produced the educational video *Obstacle Courts* on access to the courts for persons with disabilities;

- Conducted focus groups to examine progress since the implementation of recommendations from the Advisory Committee on Gender Bias in the Courts and to propose follow-up efforts;
- Developed and distributed a child-care resource guide and roster for court administrators and court employees;
- With assistance from the Administrative Office of the Courts' Human Resources Division and Education Division/Center for Judicial Education and Research (CJER), developed a training program on the topic of employment discrimination, designed for court personnel involved in employment decision making at the courts;
- Produced *Summary Judgments*, an educational video for judicial officers and court staffs that addresses issues related to sexual orientation and racial, ethnic, and gender fairness, and collaborated with the Fairness Education Committee of CJER in designing a curriculum and training program for use with the video;
- Developed a booklet for court clerks containing general principles and guidelines for responding to requests for assistance from court users;
- Developed a resource guide for judicial officers about Native American legal issues;
- Prepared a report and proposal, which were approved by the Judicial Council, to amend the California Standards of Judicial Administration by modifying the jury voir dire questions that recognize domestic partnerships and other committed relationships;
- Conducted focus groups with the California Grand Jurors Association and the Jury Management and Education Forum to explore strategies and best practices for improving the representation of diverse communities on grand juries by examining issues such as recruitment, selection, jury management, and public education; and
- To ensure continued compliance with section 54.8 of the California Civil Code, developed recommended language for court signage and Judicial Council forms for notifying deaf and hard-of-hearing persons of the availability of assistive listening systems and communication access real-time translation (CART) reporting.

Current Projects

The committee is:

- In collaboration with CJER's Fairness Education Committee, developing, improving, and strengthening educational programs on diversity and cultural competence, gender fairness, sexual orientation fairness, and barriers to access and fairness for persons with disabilities;
- Planning a second conference on issues concerning women of color and the justice system;

- Conducting focus groups with law school deans, administrators, faculty, and students to promote the inclusion of fairness training in law school curricula;
- Collaborating with the ADA coordinators from various counties to develop additional regional ADA training sessions;
- Examining the impact, if any, of minority group status at each step in the criminal justice process;
- Developing a mentoring program and a Web site concerning court employees who are women of color;
- In collaboration with other Judicial Council advisory committees, examining the training for temporary judges and developing proposals for a rule of court that would include, among other things, a provision to govern fairness training for temporary judges;
- Proposing amendments to rule 989.3 of the California Rules of Court (*Requests for accommodations for persons with disabilities*), which was adopted in January 1996;
- Consulting with CJER in developing methods of including sexual orientation diversity issues in the orientation programs for judges who have been given specific subject matter assignments, including but not limited to criminal, family, juvenile, and probate proceedings;
- Finalizing its preliminary report on, and recommendations for further investigation of, strategies and best practices to expand the representation of diverse communities on grand juries (see “Recent Accomplishments”); and
- Revising the survey through which courts report to the Judicial Council about their use of assistive listening systems and CART, as required by section 54.8 of the Civil Code.

Committee Structure

Associate Justice James R. Lambden of the Court of Appeal, First Appellate District, Division Two, chairs the advisory committee. Judge Steven A. Brick of the Superior Court of Alameda County is vice-chair. The advisory committee has five subcommittees:

- Access for Persons With Disabilities Subcommittee, co-chaired by Professor Todd Brower of Western State University College of Law and Sheila Conlon Mentkowski, Chief of the Client Assistance Program of the Department of Rehabilitation;
- Gender Fairness Subcommittee, co-chaired by Judge Margaret Johnson of the Superior Court of Santa Clara County and Dean Maryann Jones of Western State University College of Law;

- Racial and Ethnic Fairness Subcommittee, co-chaired by Judge Manuel J. Covarrubias of the Superior Court of Ventura County and Judge Gordon S. Baranco of the Superior Court of Alameda County;
- Sexual Orientation Fairness Subcommittee, co-chaired by Sam Overton, Deputy Attorney General at the Los Angeles Office of the Attorney General and Justice Laurie Zelon of the Court of Appeal, Second Appellate District, Division Seven; and
- Women of Color Subcommittee, co-chaired by Raquelle Myers, Staff Attorney with the National Indian Justice Center, and Judge Winifred Young Smith of the Superior Court of Los Angeles County.

The advisory committee also includes three members who serve concurrently on the advisory committee and CJER's Fairness Education Committee: Associate Justice James R. Lambden of the Court of Appeal, First Appellate District, Division Two; Judge Steven K. Austin of the Superior Court of Contra Costa County; and Dorothy Tucker, Ph.D., a consulting organizational psychologist in Los Angeles.

The advisory committee's Executive Committee is composed of Justice Lambden, Judge Brick, Judge Austin, Dr. Tucker, and the chairs of the subcommittees.

Contact:

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Additional resources:

www.courtinfo.ca.gov/reference/4_1access.htm